



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,050	02/26/2004	Yoshihiro Ogawa	02910.000121.	3302
5514 7590 02/19/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
DOTE, JANIS L				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
02/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The rejections under 35 U.S.C. 103(a) of claims 1, 4, 5, 10, and 11 over US Patent No. 7,029,813 B2 (Mikuriya) combined with the other cited references, set forth in the final office action mailed on Nov. 1, 2007, paragraphs 5-7, where Mikuriya is considered to qualify as prior art under 35 U.S.C. 102(e), have been withdrawn because Mikuriya has been shown not to be prior art under 35 U.S.C. 103(a) and 35 U.S.C. 103(c). Applicants' representative has shown that Mikuriya and the instant application were owned by the same person at the time the invention in the instant application was made. See the remarks filed after the mailing of the final rejection on Feb. 1, 2008, page 2, last full paragraph.

2. The rejections under the ground of nonstatutory obviousness-type double patenting of claims 1, 4, 5, and 10 over claims 1-9 of Mikuriya in view of the other cited references, and of claims 1 and 4-6 over claims 1-6 of US application 10/900,177, which has issued as US Patent No. 7,297,455, in view of the other cited references, set forth in the final office action mailed on Nov. 1, 2007, paragraphs 9 and 10 and paragraphs 12 and 13, respectively, stand.

In the remarks filed on Feb. 1, 2008, page 3, applicants state that they "concurrently filed herewith unexecuted Terminal

Art Unit: 1795

Disclaimers disclaiming the terminal part of any patent granted on the above identified application which would extend beyond the expiration dates of statutory terms of U.S. Patent Nos. 7,029,813 and 7,297,455 . . . executed Terminal Disclaimers and disclaimer fee of \$130.00 for each will be filed shortly."

However, the executed Terminal Disclaimers and fee have not been filed as of the preparation date of this Advisory action. Furthermore, because the terminal disclaimers filed on Feb. 1, 2008, are not signed, they are deemed improper and the contents of said disclaimers have not be reviewed and considered by the appropriate reviewing authority.